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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/072,150   | 02/06/2002  | Kent D. Henry        | 42074-00393         | 1370             |
| 7590   | 07/01/2005  |                      | EXAMINER            |                  |
| Marsh Fischmann & Breyfogle LLP<br>Suite 411<br>3151 S. Vaughn Way<br>Aurora, CO 80014 |             |                      |                     | BLOUNT, ERIC     |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 2636             |

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 10/072,150      | HENRY ET AL. |
|                              | Examiner        | Art Unit     |
|                              | Eric M. Blount  | 2636         |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 February 2002.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7,9-13 and 16-18 is/are rejected.  
 7) Claim(s) 8,14,15,19 and 20 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 January 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 05312002.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant states, "wherein operational information includes at least one of:" This statement is followed by a single claim limitation not a list of options as suggested by the claim language. It is unclear whether the applicant has inadvertently omitted other limitations. The scope of the claim is unclear.

**Claim 12** recites the limitation "interchangeable sensor" in line 2. There is insufficient antecedent basis for this limitation in the claim.

**Claim 18** recites the limitation "electrical element" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before

the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 9, 12-13, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dickey et al [U.S. Patent No. 5,821,405].

Regarding **claim 1**, Dickey discloses an interchangeable sensor head component employable in a monitoring tool assembly. The component includes an electronic connector portion configured to establish an electrical connection to a monitoring tool assembly, at least one electronic component in connection with the electronic connector which is configured to perform at least one function, and a memory device accessible through the electronic connector which is configured to store and provide access to operational information for the interchangeable sensor head component (column 3, lines 20-41 and Figure 1). The motherboard taught by Dickey serves as a memory device connected through the electronic connector (12).

As for **claim 2 and claims 12 and 18** (as best understood), the interchangeable sensor head component is configured to monitor at least one parameter (column 5, lines 36-54).

As for **claim 3**, operational information includes identification information for the interchangeable sensor head component (column 6, line 34-column 7, line 40).

Regarding **claim 9**, Dickey discloses an electrical connector portion further comprising a plug-in portion for providing electrical interconnection

between the enclosed electrical apparatus and a mating plug-in connector positionable within a port (Figures 1 & 2).

As for **claim 13**, disclosed is an interchangeable sensor head component for use with a monitoring tool comprising an elongated housing portion configured to include an electrical component and a base portion connectable to the elongated housing portion where the base portion is configured to engage and disengage within a port through application of a linear force (Figure 1 & 2 and column 4, lines 30-46).

Regarding **claim 16**, the base portion includes a plug-in connector portion for providing electrical interconnection between the included electrical component and a mating connector positionable within the port (Figures 1&2).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4-7, 10-11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickey et al. Dickey et al will be relied upon for the teachings discussed above.

Regarding **claims 4-6**, Dickey does not specifically disclose that operational information may include one of manufacture date, operating range,

serial number, hardware revision, actual sensor serial number, actual sensor model number, and production technician ID code. However, Dickey does disclose that several types of operational information may be provided to the user including sensor identification information (column 6, line 34-column 7, line 32). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that any pertinent operational information could have been stored and retrieved from memory means. Further, it would have been obvious to one of ordinary skill that any well known sensor could be used in the invention whether it be active or passive.

Regarding **claim 7**, Dickey discloses that predetermined parameter may be at least one of several parameters (column 5, lines 36-54).

As for **claims 10 and 17**, it would have been obvious to one of ordinary skill in the art that any appropriate connection could have been used in the electrical connection (see Figures).

As for **claim 11**, Dickey teaches the use of a memory device. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that any known applicable type of memory could have been used with the invention. The selection of EEPROM can be viewed as a matter of design choice.

### ***Allowable Subject Matter***

7. **Claims 8, 14, 15, 19, and 20** are objected to as being dependent upon a rejected base claim, but it appears that they would be allowable if rewritten in

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independent form including all of the limitations of the base claim and any intervening claims.

### **Conclusion**

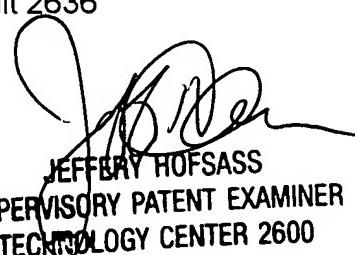
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is 703-305-5042. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on 703-305-4717. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

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JEFFREY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
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